

CCA Speaks



January - March 2009 / 12th Edition

voice of the Citizen Complaint Authority

Message from the Director

By Kenneth E. Glenn

2009 represents a major economic challenge for Americans all over our country. During these stressful times, I reflect upon a statement by Dr. Martin Luther King when he said "the ultimate measure of a man is not where he stands in a time of comfort, but where he stands at times of challenge and controversy." Without a doubt, these are times of great challenge, however, it provides an opportunity for Americans to refocus and decide what is really important in our lives and to reach out and lend a helping hand to those who are in need.

In February, S. Gregory Baker, Executive Manager of Community Relations for the police department, and I were invited to Lima, Ohio by Judge Jeffery Reed of the Allen County Common Pleas Court to talk with city and community leaders about the Cincinnati Collaborative Agreement process. There were approximately 60 people in attendance

including Mayor David Berger, Police Chief Greg Garlock, Jason Upthegrove, president of the Lima chapter of the NAACP and a number of other city and community leaders. The focus of the discussion was Lima's interest in civilian oversight and its impact on police community relations in Cincinnati. Our presentation was well received and the hope is that it can make a difference in a community where police/community relations have been strained.

In the last edition of our newsletter I talked about CCA's investigative process. In this edition, I will explain the review process. Once we receive a complaint, a determination is made whether it falls in a category investigated by our agency, for example, death in custody, discharge or pointing of a firearm, excessive force, and improper search/seizure or entry.

The case is assigned to an investigator and once completed, it is reviewed by the chief investigator for accuracy and completeness. Once the chief investigator signs off, I then review the case to ensure completeness and that the

recommended findings are based upon CPD's policies, procedures and training. Complaints investigated by our agency are also being investigated by CPD's Internal Investigations Section (IIS). To ensure that both agencies are looking at the same set of facts and evidence, a discussion is held between IIS's lieutenant and CCA's chief investigator prior to the cases being forwarded to the CCA board.

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After this discussion, our administrative staff prepares the cases to be forwarded to our board members. This normally occurs approximately one week prior to the board meeting to allow board members time to carefully review the cases prior to the monthly meeting. Our board meeting is the first Monday of each month at 6pm in council chambers of city hall. The complainant and officers are sent notifications and are encouraged to attend the meetings. At the board meeting the cases are discussed and voted upon.

The board can agree with the director's recommended finding, ask for additional information or issue a separate finding of its own. After the board meeting the cases are forwarded to the City Manager.

CCA's director and IIS's captain have a standing monthly meeting with the City Manager. Cases in which CCA and CPD have not agreed upon, the recommended findings are discussed with the City Manager and he makes the final decision. After the City Manager's review, the complainant and officers are notified. There is no appeal to this decision.

Starting with this edition of our newsletter and in the next couple editions, we will be introducing

members of CCA's board to our reading audience. We think it is important for the complainants, officers and the community to know the individuals responsible for rendering judgments when a complaint is made against an officer. We will start by introducing CCA Board Chair Stephen MacConnell, and board members Kristen Myers and Carol Cutter-Hawkins. Until next time, be safe.

"Power at its best is love implementing the demands of justice. Justice at its best is love correcting everything that stands against love."

-Martin Luther King, Jr.

Message from the Board Chair



Stephen MacConnell

is President and CEO of Cincinnati Union Bethel, the oldest non-profit social service agency in the Midwest. Steve MacConnell's focus is on furthering the agency's mission of education and support to the 2,500+ clients it serves each year through Head Start Early Childhood Education centers, transitional housing, and women's support services. He was appointed to the position of President and CEO on October 1, 2001, and joined the agency from Family Service of the Cincinnati Area, where he was the Executive Vice President. A former Managing Partner of the law firm Kepley,

MacConnell & Eyrich, MacConnell is a member of the American and Ohio Bar Associations and the Cincinnati Bar Foundation. He is a past president of the Cincinnati Bar Association.

MacConnell now serves as the Chair of the Citizen Complaint Authority Board. "This experience has been one of the most challenging and productive of my career. The satisfaction of seeing citizens and police work toward the common good of our city is truly exhilarating," he said.

Message

By Stephen MacConnell

I am proud to serve as Chair of the Board of CCA. CCA and CPD have jointly developed a mutually agreeable protocol for sharing information and hearing complaints. This system of working together has forged an understanding between the two departments so that ultimate value to the community can be delivered by determination of all relevant facts and the fair resolutions of them. As I've said in previous editions, while much has been accomplished, going forward, the Board still encourages more citizen participation in the hearing process. Only through hearing the voices of the citizens can we understand their positions and improve relationships between the community and CPD. Accordingly, we will continue to work hard to determine new ways to communicate the nature of CCA's work to the community and ask for their participation and un-

derstanding as we continue to strive to improve our relationships with the community and the CPD.

I believe with the support of the Mayor, Council and the City Manager, we have made significant gains in improving our working relationships with the community and CPD. I am confident that these relationships will continue to improve as we proceed forward.

Finally, I would like to thank my fellow board members for their dedicated and exceptional work on difficult issues. It has been a pleasure and privilege to serve as Chair of this distinguished board, alongside the CCA staff and the law enforcement community.

Message from the Board Members



Kristen Myers is an attorney with the law firm of Beckman Weil Shepardson LLC, located in Downtown Cincinnati. She serves

clients in the areas of civil litigation and institutional law. She is a 2004 graduate of the University of Cincinnati College of Law and a 2001 graduate of Hiram College. Kristen was appointed to the CCA Board in December of 2006 and her appointment was renewed in December 2008. She is also a member of Mayor Mallory's Young Professional Kitchen Cabinet where she serves

on the Housing Committee. Kristen, a Cincinnati native, lives with her husband, Chris Heckman, in Downtown Cincinnati, where both walk to work and are active members of their community.

Statement

By Kristen Myers

As a downtown resident, I am frequently asked about safety issues, as well as police community relations. Even before joining CCA's board, my answer to those inquiries were that I felt very safe living in and walking around Downtown, and that I believed police-community relations were improving. My experience with CCA's board has increased my conviction in those statements.

As CCA Board members, we are exposed to the negative experiences citizens have with the Cincinnati Police. Those experiences are terribly unfortunate and still too numerous, but it is encouraging to see a significant decline in incidents since the inception of CCA. Additionally, the Cincinnati Police Department's cooperation and participation in the process, as well as its commitment to better policing, are critical and appreciated.

Above all, while we are sometimes constrained by our own necessary procedure of determining that a complaint is "not sustained" when there is no independent evidence to determine what actually happened, I hope that citizens feel empowered knowing their complaints are taken seriously and are well-documented.

I know that, as a Board, we truly appreciate when the complaining citizen takes the time to attend their hearing. Even if the citizen is ultimately dissatisfied in our decision, we appreciate the opportunity to hear their story and explain the process in person.

CCA's staff does an outstanding job. I believe that the work of CCA has contributed to more transparency and accountability in the Cincinnati Police Department and has empowered the citizens of Cincinnati to demand high quality police services. As a downtown resident, I am especially proud of and grateful for this system and the positive impact it has and will continue to have on our great City.

Carole Cutter-Hawkins attended Fisk University, University of Cincinnati and Xavier University.



Degrees:
Bachelor of Science, Master in Education, and Post Graduate Credits

Certifications: Secondary/Elementary Teacher K-12, Lead Teacher (Science),

- Supervision; Administration; Academy Leadership Fellow: Ohio Leadership Academy based on the Standards of the Interstate School Leaders licensure Consortium (ISLLC)
- Winton Place Elementary: Read-

ing Specialist, and The Academy of World Languages: Math and science and middle school math and Science teacher

- Assistant Principal: The School for Creative and Performing Arts (SCPA)
- Principal: Scheil Public School for Arts Enrichment (K-3).
- Principal: Losantiville Elementary School (K-8)
- Served on a number of district committees.
- Retired from Cincinnati Public Schools in 2005

Activities in the Community

Affiliations: Alpha Kappa Alpha, Inc. Sorority, Sigma Omega Chapter; Corresponding Secretary; Top Ladies of Distinction, Inc. , positions held: President, Vice President, Financial Secretary; currently Membership chair, Constitution co-Chair; and former Gala Chair, Holiday Luncheon Chair; Les Amies, Historian; Women's City Club, Chair of The Seasongood Luncheon Committee and Education Committees, President Elect, Speaker's Forum Sponsor; Women's Alliance, Inc. Immediate past President, served as Vice President, Luncheon Chair, Gala Chair, Scholarship Committee Chair, and 2008 Youth Empowerment Conference Coordinator; Member of YWCA, Contemporary Arts Center; National Underground Freedom Center, NAACP; NCNW; Urban League; Habitat for Humanity; HCRTA, etc. Chaired activities and held offices in several organizations. Volunteered: Freestore; Ronald McDonald House; The Assistance

League (AL); Urban League Gala Committee; Served on Committee for NAACP Freedom Fund Dinner 2008 Boards: MHA Board (Secretary), Citizen Complaint Authority Board and Womens City Club.

Perspective of the Citizen Complaint Authority

By Carole Cutter-Hawkins

The Cincinnati Police Department (CPD) has a heavy responsibility inherent in their job, to protect the rights of citizens of the city and to insure their safety. I was raised in Cincinnati and taught that if you obeyed the law, and were respectful, you would be treated fairly by CPD. This I personally found to be true. However, many people, when they have had contact with the police have experienced negative and/or unprofessional treatment by a number of officers, real or imagined. There was a time when citizens' concerns were not heard creating a negative image, causing feelings of resentment and hostility towards the police to fester. Eventually, as an outgrowth of a series of serious incidents, involving alleged misconduct by CPD, the Cincinnati Collaborative was established and eventually the Citizen Complaint Authority (CCA) Board was created.

Because of CCA, the citizens of Cincinnati have the opportunity to file their complaints with this body and have those complaints addressed by the outstanding staff of CCA and heard by the Board. I have served on the board one year, appointed in December 2007, and

have had the opportunity to review complaints regarding alleged misconduct by the police. I view this body as the "voice of the people" and an awesome responsibility. This body also gives citizens the opportunity to attend meetings to express their complaints and/or concerns personally. The outcomes of many of the cases reveal that the citizens were dealt with properly, within police policy or guidelines, however, I sensed, that underlying the complaint, many citizens felt they were disrespected. Persons who attended CCA board meetings and expressed their issues regarding their case, seemed to appreciate the opportunity.

The investigations done by CCA's staff are thorough and fair providing the balance required when researching the complaints assigned. The findings in many cases are not sustained or sustained, but in a number of cases demonstrate a pattern of behavior that needs to be addressed. Fortunately, with the appropriate oversight, the police department works diligently to address concerns with officers when their conduct over a period, reflects a pattern of inappropriate behaviors.

CCA's board provides a check and balance regarding perceived police misconduct based on the aforementioned investigative process, to assure the citizens of Cincinnati that they indeed have a voice and their complaints will be dealt with in a fair and impartial manner. I appreciate the opportunity, as a civic duty, of working with the

members of the board to review the complaints submitted, weigh the evidence and to agree or disagree with the findings presented. In addition, to know that the work of CCA is for those individuals whose complaints, without this body, may not be addressed. The existence of CCA and the work done by this agency in collaboration with CPD makes Cincinnati a better community where citizens can feel safe and that they will be treated fairly. It's imperative that the hard work done by CPD receives the respect that they deserve as well...a "win, win" for all.

CPD Policy Review

12.700 Search Warrants/Consent to Search Procedure

Consent Searches

1. When a MVR or DVR is present, all requests to search without a warrant, including searches of persons, buildings, or vehicles, will be recorded. Both audio and video recordings will be made of the request and consent when practical.
2. Request individuals to sign a Form 601, Consent to Search Without a Warrant, or Form 601PV, Consent to Search Person or Vehicle, before conducting ALL consent searches



including vehicles, persons, buildings, areas, computers, electronic devices or residences.

- a. Notify a supervisor if an individual gives verbal consent but refuses to sign the Form 601, or Form 601PV.
 1. Supervisors will respond to the scene to verify the consent was given.
 2. Do not search until a signature is obtained or a supervisor confirms receipt of verbal consent.

Scenarios

- Q.** You are driving in your vehicle and stopped by an officer. You are given a traffic citation and you are not arrested nor your car impounded. They request to search your vehicle. Should the officer's MVR (mobile video recording) be activated?

If the officer asked to search your vehicle, is the officer required to request that you sign a Form 601V?

- A.** Yes. The audio (microphone) should be activated.

If you are requested to sign a Form 601V, and if you gave verbal consent and refused to sign the form a supervisor must be called to the scene to verify the consent.

If you refuse to allow the officer to search your vehicle and absent of probable cause the

officer cannot search it.

- Q.** You are walking on a public street and an officer approaches and questions you. They ask if he/she can search you. You are not under arrest, but they are conducting an investigation. Are they required to have you sign the Form 601P and should it be recorded on their MVR?

- A.** Yes. The officer should request for you to sign a Form 601P and record the request.

Keep in mind, there are several exceptions to this policy where an officer does not need a warrant or consent to search from the citizen. Call CCA at 513-352-1600, if you have additional questions pertaining to the policy.

Handling Wild/Exotic Animals, Pit Bulls, Dangerous/Vicious Dogs and Animal Reports

(correction from previous newsletter)

The "CPD Policy Review" section of our last newsletter may have caused some confusion on how it was written. To clarify the issue: A ban on pit bulls was reinstated on November 1, 2003. Only pit bulls registered with the Cincinnati Police Department before November 1, 2003 will be allowed to remain in the City of Cincinnati. Owner/harbinger's of registered pit bulls,



or other dogs determined to be dangerous/vicious, must re-register these dogs annually with the Cincinnati Police Department.

Frequently Asked Questions

Q: What does CPD's Academy training consist of?

A: A new cadet can expect to complete a 26 week training course for a total of 1040 hours. Ohio Peace Officers Training Academy (OPATA) mandates a total of 582 hours. However, CPD's academy doubles the mandated requirement. Throughout the course of the academy, each cadet received firearm training, 40 hours of Mental Health Response Team (MHRT) training, physical fitness training, studies state and city laws plus other academics to become an officer.

FYI

Bureau of Justice Statistics

Police officers deaths dropped sharply in 2008 compared to 2007. The year 2008 ended with it being one of the safest years for law enforcement in decades. There was a 40% drop in the number of officers who were shot or killed (41) nationwide from 2007. Yet, 2008 had as many females officers killed as the highest year of 2002. The average age of the officers killed was 40 years of age and had an average of 12 years in law enforcement.

Staff Training

Our last newsletter did not include staff training. In this edition, we included training from the past six months. In keeping with the implementation of digital recorders at CCA to assist with the paperless concept that we adopted, the staff was trained on recording and transferring audio files from digital recorders to computer files. Investigator Dena Brown attended Career Track's, "Mistake Free Grammar and Proof Reading" seminar. Investigator David Moonitz completed training on "Lethal and Less Lethal-Force", and Employee Equal Opportunity training. Michelle Bonner and Desiree Scott completed Rhythmx 6.5 training.

Did You Know?

By David Moonitz, CCA Investigator



An institution brought to the colonies from England was the office of constable. Dating from the time of the Norman invasion in 1066, the post was originally a military title of great importance. Derived from the Latin comes stabuli, meaning "count of the stable", the position slowly evolved into that of a peace officer with the office surviving for centuries both in England and later in America. Constables currently are law enforcement officers who police in townships.

Use of Force Comparative Analysis

One of the recommendations for CCA in the Federal Monitors final report was to include CPD's use of force data into our quarterly newsletter. Chief Streicher has agreed to provide our agency with the data on a quarterly basis. One of the major community concerns and monitored by CCA during the 6 year Collaborative Agreement process was use of force. Providing this data to the community is a positive step toward transparency and will allow the community to continuously monitor the department's use of force.

The chart shown on page 7 is the comparable use of force data for 2007 and 2008. As this report indicates, in 2007 there were 758 total use of force incidents and in 2008 there was a 7% decline to 705. There were 52 complaints of excessive force for both 2007 and 2008. In 2008 there were 477 citizen complaints, an increase of 9% over the 438 complaints filed in 2007. Although there was a 9% increase in the number of citizen complaints, the number of officer/citizen interactions that resulted in arrests increased by 7% in 2008. It is important to note that with this 7% increase in total arrests, overall use of force decreased by 7% and the allegations of excessive force did not increase in 2008. Also noteworthy is the 9% reduction in taser usage and the 8% reduction in injury to prisoners. This chart does not identify officer injuries.

Cincinnati Police Department Use of Force Comparative Analysis (2007-2008)

Use of Force Incidents	2007	2008	Increase/Decrease
Weapons Discharge:			
Police Intervention	6	3	-50%
At Animal	7	5	-29%
Accidental Discharge	3	0	-300%
Less Than Lethal Discharges:			
Beanbag	0	0	0%
40mm	0	0	0%
Canine Bites	16	17	+6%
Monadnock PR24/Baton	1	1	0%
Non-Lethal Weapons:			
TASER	388	354	-9%
Pepperball	0	0	N/C
Chemical Irritant	15	13	-13%
Empty Hand Control:			
Strikes (palm heels, knee, etc.)	16	10	-38%
Non-compliant	139	149	+7%
(average displacement, pain compliance, non-injury, etc.)			
Injuries:			
Injury to Prisoner	167	153	-8%
Drug Ingestion	44	37	-16%
Non-Drug Ingestion	123	116	-6%
Total Use of Force Incidents	758	705	-7%
Arrests:			
Felony/Misdemeanor	41,259	44,127	+7%
Service Calls	300,440	283,642	-6%
Citizen Complaints	438	477	+9%
Excessive Force Complaints	52	52	0%
Comparison:			
Use of Force v Service Call	758/300,400	705/283,642	
Use of Force v Arrest	758/41,259	705/44,127	
Use of Force v Injury	758/123	705/116	
Citizen Complaints v Service Calls	438/300,440	477/283,642	
Excessive Force Complaints v Arrest	52/41,259	52/44,127	

Statistics

CCA shows statistical data from the previous quarter. This allows CCA investigators to fully complete investigations and forward our findings and recommendations to the board and the city manager for final determination.

In the fourth quarter (Oct - Dec) of 2008, CCA reviewed 76 complaints. Forty-nine were referred to CPD's Citizen Complaint Resolution Process. Twenty-three complaints were investigated by CCA containing 34 allegations. An additional 4 complaints were classified as non jurisdiction. The allegations for CCA's investigations are listed in *Table 1*.

Table 1

Allegation Type	Total
Discharging a Firearm (Shots)	2
Discrimination	5
Use of Force/Excessive Force	13
Improper Entry/Search/Seizure	8
Improper Procedure	1
Discourtesy	3
Improper Pointing/Firearm	2
TOTAL	34

The findings for the 34 allegations are listed in *Table 2*.

Table 2

Recommended Disposition	Total
Sustained	3
Not Sustained	14
Exonerated	11
Unfounded	6
TOTAL	34

The board and city manager agreed with 34 of the director's findings.

The neighborhoods where the 76 complaints occurred are listed in *Table 3*. The neighborhoods that had 5 complaints or more are highlighted.

Table 3

Complaints By Neighborhood		
District 1	CBD Riverfront	9
	OTR	8
	West End	1
District 2	East End	3
	East Walnut Hills	1
	Kennedy Heights	2
	Madisonville	1
	Mt. Lookout	1
	Pleasant Ridge	1
District 3	East Price Hill	1
	English Woods	1
	North Fairmount	1
	Price Hill	3
	Sayler Park	2
	South Fairmount	1
District 4	Westwood	2
	Avondale	5
	Evanston	3
	Hartwell	1
	Mt. Adams	1
	Mt. Auburn	2
	Roselawn	2
	Walnut Hills	1
	Unknown	4
District 5	Camp Washington	2
	Clifton	3
	Clifton/University Heights	1
	College Hill	1
	Northside	7
	Winton Hills	1
	Winton Place	1
	Unknown	3
	TOTAL	76